



0400
05-29-02

[Handwritten initials]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chen
Serial No.: 10/091,144
Filed: March 4, 2002
For: **USE OF PHOTOLUMINESCENT
NANOPARTICLES FOR
PHOTODYNAMIC THERAPY**
Art Unit: 1615

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents
Box Missing Parts
P.O. Box 2327
Arlington, VA 22202, on this date.

5/20/02
Date

[Signature of Robert Wickman]
Robert Wickman

RESPONSE TO NOTICE TO FILE MISSING PARTS

Commissioner for Patents
Box Missing Parts
P.O. Box 2327
Arlington, VA 22202, on this date.

Sir:

In response to the Notice to File Missing Parts mailed **April 16, 2002**, the following documents are submitted herewith:

- 1) A copy of the Notice to File Missing Parts;
- 2) Executed Declaration for Patent Application;
- 3) A check in the amount of \$65 for the small entity surcharge fee;
- 4) Return postcard.

U.S.S.N. 10/091,144

Chen

RESPONSE TO NOTICE TO FILE MISSING PARTS

- ☒ The Commissioner is hereby authorized to charge any fee, including that submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE LLP.

By: _____

Stephanie Seidman
Registration No. 33,779

SLS/rmw

Attorney Docket 25886-0066B

Address all correspondence to:

HELLER EHRMAN WHITE & McAULIFFE LLP.

4350 La Jolla Village Drive, 7th Floor

San Diego, California 92122-1246

Telephone: (858) 450-8400

E-mail: sseidman@HEWM.com



UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 24 2002

7/048

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/091,144	03/04/2002	James Chen	25886-0066B

CONFIRMATION NO. 7692

FORMALITIES LETTER



OC000000007874865

Stephanie Seidman
 Heller Ehrman White & McAuliffe LLP
 7th Floor
 4350 La Jolla Village Drive
 San Diego, CA 92122

Date Mailed: 04/16/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));

*A copy of this notice **MUST** be returned with the reply.*

05/28/2002 AOSMAN1 00000036 10091144

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S.B

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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JUN 13 2002
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Chen**
Serial No.: 10/091,144
Filed: March 4, 2002
For: **USE OF PHOTOLUMINESCENT
NANOPARTICLES FOR
PHOTODYNAMIC THERAPY**
Art Unit: (1615)

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents,
Arlington, VA 22202, on this date.

05/20/2002
Date

Robert Wickman

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
Arlington, VA 22202

Sir:

Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.

Under **DOMESTIC PRIORITY DATA AS CLAIMED BY APPLICANT**, please insert the following **CORRECTED** Priority Information:

--THIS APPLICATION CLAIMS BENEFIT OF 60/272,877, 03/02/2001
**AND TO 09/798,277, 03/02/2001 which application was converted to a
provisional application on 02/26/2002.**

Applicant respectfully requests that this error be corrected and Applicant be provided a new Official Filing Receipt.

U.S.S.N. 10/091,144

Chen

REQUEST FOR CORRECTED FILING RECEIPT

- ☒ The Commissioner is hereby authorized to charge any fee, including that submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE LLP.

By:


Stephanie Seidman
Registration No. 33,779

SLS/rmw

Attorney Docket 25886-0066B

Address all correspondence to:

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E-mail: sseidman@HEWM.com



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Page 1 of 2

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/091,144	03/04/2002	1615	1750	25886-0066B	8	136	11

Stephanie Seidman
Heller Ehrman White & McAuliffe LLP
7th Floor
4350 La Jolla Village Drive
San Diego, CA 92122

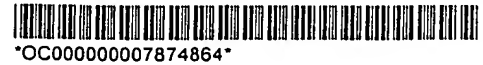
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APR 22 2002

Heller Ehrman

CONFIRMATION NO. 7692

FILING RECEIPT



OC000000007874864

Date Mailed: 04/16/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

James Chen, Residence Not Provided;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/272,877 03/02/2001

AND TO 09/498,277, 03/02/2001 which appln. was converted to a
Foreign Applications provisional appln on 02/26/2002

If Required, Foreign Filing License Granted 04/16/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ******Title**

Use of photoluminescent nanoparticles for photodynamic therapy

Preliminary Class

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).